

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BROKER GENIUS INC.,

Plaintiff,

Case 1:17-cv-08627-SHS

v.

**GUINIO VOLPONE,
RAY VOLPONE,
DREW GAINOR,
STUART GAINOR,
VOLPONE SOFTWARE LLC,
GAINOR SOFTWARE, LLC,
SEAT SCOUTS LLC and
EVENT TICKET SALES LLC,**

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Declaration of Andrew T. Miltenberg, Esq., the exhibits thereto, the accompanying Memorandum of Law and all prior proceedings had herein, Defendants Guinio Volpone, Ray Volpone, Drew Gainor, Stuart Gainor, Volpone Software LLC, Gainor Software, LLC, Seat Scouts LLC and Event Ticket Sales, LLC (collectively “Defendants”), through the undersigned counsel, will move this Honorable Court on a date and at a time set by the Court, in Courtroom 23A in the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, New York 10007, for an Order dismissing Plaintiff Broker Genius’ Second Amended Complaint, and for such other and further relief as the Court deems just and proper.

**Dated: New York, New York
March 15, 2017**

NESENOFF & MILTENBERG, LLP
Attorneys for Defendants

By: /s/ Andrew T. Miltenberg
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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2018, a copy of **Defendants' Motion to Dismiss [ECF No. 111]**, **Bernstein Declaration in Support [ECF No. 112]** and **Memorandum of Law in Support [ECF No. 113]** was filed electronically with this Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Andrew T. Miltenberg
Andrew T. Miltenberg, Esq.